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WASHINGTON POST
29 November 1984J Joseph Kraft

Two Generals . . .

NEW YORK—In 1962 we lived across the street from the Achesons. The former secretary of state was asked to address a seminar at the Military Academy at West Point. I was a bit player on the same program. The academy sent a plane to pick up Acheson, and he invited me along for the ride.

On arrival we were met by the superintendent and an honor guard of cadets. The superintendent was a handsome general of impressive military bearing. He had a trick of arching his neck backward, as if straining at the tightness of his collar. That habit imparted to him the aspect of a commander peering through the fog of battle to distant vistas. He looked the picture of every great strategist, from Alexander through George Marshall.

Until he opened his mouth. As soon as he began presenting Acheson to the cadets, he became flustered and started to mix up the names. Before long, he was referring to Cadet Acheson.

William Westmoreland was the name of the general, and he went on to become the commander in Vietnam. Nobody who knew him, and who also knew Lyndon Johnson, could seriously entertain the notion that Westmoreland deceived Johnson on the progress of the war. If wool was pulled over anybody's eyes, if anybody was led around by the nose, it was the other way around. So the question raised by Westmoreland's libel suit against CBS for its television documentary, "The Uncounted Enemy," is how the program could have gotten the personal relation so upside down.

The impulse came from George Crile, producer of the show. Crile is a brilliant journalist of extraordinary tenacity who emerged from school in the late 1960s. Like many of his generation, he abhorred the war and was prone to look for conspiracy in its genesis and unfolding. As an editor for Harper's magazine, Crile came across an intelligence officer, Sam Adams, who believed that data had been suppressed to make the hostile forces seem less potent. Crile believed that story, and he eventually put it on the air for CBS.

A second element is the dramatic nature of TV documentaries, exemplified in this case by the narrator, Mike Wallace. Wallace is probably the best interviewer on the air, and a large part of his special skill derives from the capacity to set up adversary situations.

In the program, he telescoped the intelligence data, the Tet offensive of Jan. 30, 1968, and Lyndon Johnson's decision not to seek reelection in March of that year. According to a forthcoming study by Stephen Klaidman and Tom L. Beauchamp of Georgetown University, the program thus left the impression that doctored intelligence data caused Johnson not to seek reelection—which in turn prolonged the war seven years.

But how did CBS, with one of the best professional news organizations in the world, become so imprudent in editing a program that tilted so sharply on such a complex question? A hint as to the lack of caution is beginning to emerge from the Westmoreland trial, and from the trial of another libel case also being conducted here in New York—the case against Time magazine brought by Ariel Sharon, the Israeli general who was defense minister at the start of the Lebanese war.

Though entirely different in style and outlook, the two generals have one thing in common. They were highly publicized military commanders in wars that went sour for the same reason. Just as opinion in the United States refused to accept the losses sustained in Vietnam, so public opinion in Israel balked at the losses incurred in Lebanon.

As it happens, a single firm—Cravath, Swaine & Moore—represents the defendants in the two cases. In court papers, lawyers for the defendants evoked the argument that the two generals were in effect the two governments. The lawyers said that Westmoreland was "inevitably, totally identified with the United States war effort." Any attack on him was "indistinguishable from an attack on the government's military conduct of the war."

The cogency of that argument I leave to others. But at the very least it announces special circumstances. A war that goes sour is not your everyday garden event. It happens very rarely. It does not, therefore, provide a solid base for establishing guidelines on what becomes the general law of the land. Wise judges will surely want to avoid drawing from the Westmoreland case conclusions that define, in a hard and fast way and for a long time to come, the rights and wrongs of a matter so delicately poised as libel.

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